

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE 1-5, On behalf of themselves
and all others similarly
situated,

Plaintiffs,

v.

Case No. 21-11903
Honorable Victoria A. Roberts

GRETCHEN WHITMER, et al.,

Defendants.

**ORDER DENYING PLAINTIFFS' RULE 59 MOTION FOR
RECONSIDERATION OF THIS COURT'S ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS [ECF No. 19]**

John Doe Plaintiffs filed this case alleging the Michigan State Police's enforcement of unconstitutional provisions of the Michigan Sex Offender Registration Act violated the Fourteenth Amendment, First Amendment, and *ex post facto* clause of the United States Constitution.

On September 8, 2022, the Court entered an order granting Defendants' motion to dismiss.

Before the Court is Plaintiffs' Rule 59 motion for reconsideration of the dismissal order. [ECF No. 19]. Defendants responded, and Plaintiffs filed a reply.

The Court "*may* grant a Rule 59(e) motion to alter or amend if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening

change in controlling law; or (4) a need to prevent manifest injustice.” *Schlaud v. Snyder*, 785 F.3d 1119, 1124 (6th Cir. 2015) (emphasis in original; citation omitted). “A motion under Rule 59(e) is not an opportunity to re-argue a case.” *Sault Ste. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998).

Plaintiffs say the Court erred in making the following findings: (1) Defendants Whitmer and Snyder could not be held liable under a theory of supervisory liability; (2) Defendants were entitled to sovereign immunity under the Eleventh Amendment; and (3) Defendants were entitled to qualified immunity on Plaintiffs’ First and Fourteenth Amendment claims. Plaintiffs say these errors were clear, and they warrant modification of the order.

The Court disagrees. Much of Plaintiffs’ motion rehashes arguments they already made in response to Defendants’ motion to dismiss. Plaintiffs fail to show the Court made a clear error of law.

Accordingly, the Court **DENIES** Plaintiffs’ motion for reconsideration. [ECF No. 19].

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 12, 2022